

However, the Office is only willing to waive the signature requirements of both Monsonov and Fu on the required supplemental declaration; the Office is not willing to waive the requirement for a supplemental reissue declaration. That is, a supplemental reissue declaration under 37 CFR

1.175(b) was specifically required by the Office action of November 16, 2004, and this cannot be waived. However, while someone must execute the forthcoming required supplemental reissue declaration, it need not be executed by either or both of the named inventors.

That is, in a manner analogous to that of a petition under 37 CFR 1.47(b), where not one named inventor will sign the necessary declaration, the forthcoming supplemental declaration for this application may be signed by an officer of the assignee (with any necessary averments being stated as based on information and belief), or by counsel of record, if empowered *ad hoc* by the assignee, may make the necessary statements and state that counsel is, in this instance empowered by the assignee to make the necessary averments on behalf of the assignee. Since, as noted above, both Monsonov and Fu have already executed the reissue oath or decalraiton, this application still has no Rule 47 status and further, will still not be regarded as an assignee-filed reissue application.


Any forthcoming renewed petition should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      Customer Service Window  
                                    Randolph Building 401 Dulany Street  
                                    Alexandria, VA 22314:

By fax:                        (703) 872-9306  
                                    ATTN: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3217.

  
Brian Hearn  
Petitions Examiner  
Office of Petitions